

Plea in law

— Infringement of Article 7(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 20 February 2021 — Growth Finance Plus v EUIPO (catlover)

(Case T-115/21)

(2021/C 128/63)

Language of the case: German

Parties

Applicant: Growth Finance Plus AG (Gommiswald, Switzerland) (represented by: H. Twelmeier, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: Application for European Union word mark catlover — Application for registration No 18 107 485

Contested decision: Decision of the First Board of Appeal of EUIPO of 26 November 2020 in Case R 717/2020-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs.

Plea in law

— Infringement of Article 7(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 18 February 2021 — Deichmann v EUIPO — Munich (Device of two crossed stripes placed on the side of a shoe)

(Case T-117/21)

(2021/C 128/64)

Language of the case: English

Parties

Applicant: Deichmann SE (Essen, Germany) (represented by: C. Onken, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Munich, SL (La Torre de Claramunt, Spain)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: European Union figurative mark (Representation of two crossed stripes placed on the side of a shoe — European Union trade mark No 2 923 852)

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 7 December 2020 in Case R 2882/2019-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and the other party to the proceedings before the EUIPO to bear the costs.

Pleas in law

- Infringement of the first sentence of Article 94(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of the second sentence of Article 94(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 59(1)(a) in conjunction with Article 7(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 22 February 2021 — Cilem Records International v EUIPO — KVZ Music (HALIX RECORDS)

(Case T-118/21)

(2021/C 128/65)

Language in which the application was lodged: German

Parties

Applicant: Cilem Records International UG (Augsburg, Germany) (represented by: E. Hecht, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: KVZ Music Ltd (Sofia, Bulgaria)

Details of the proceedings before EUIPO

Applicant for the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: Application for registration of EU word mark HALIX RECORDS — Application for registration No 16 288 235

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 28 January 2021 in Case R 1060/2020-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision of 28 January 2021 and EUIPO's decision of 25 May 2020 concerning EU trade mark No 016288235 and allow the applicant's opposition to registration of EU trade mark No 16288235 of 17 April 2017;